

REMARKS

The Office Action mailed on December 09, 2003, has been reviewed and the comments of the Patent and Trademark Office have been considered. Prior to this paper, claims 1-23 were pending in the present application, with claims 1-10 being withdrawn from prosecution. By this paper, Applicant cancels claims 1-10 without prejudice or disclaimer and adds claims 24-31. Therefore, claims 11-31 are now pending in the present application.

Applicant respectfully submits that the present application is in condition for allowance for the reasons that follow.

Indication of Allowable Subject Matter

Applicant thanks Examiner Del Sole for the indication that claims 12, 13 and 22 contain allowable subject matter.

Specification Objections

In the Office Action, the abstract was objected to. Also, paragraphs 0031 and 0044 were objected to. As seen above, Applicant presents a replacement abstract and amends the just identified paragraphs. As suggested by the examiner, the title has been amended.

Claim Objections

In the Office Action, claims 11, 19 and 23 were objected to. By this paper, claim 11 is being amended. Applicant requests reconsideration of this claim in view of the above amendment. Applicant thanks Examiner Del Sole for proposing alternate language that would remove the rejection.

Claims 19 also is being amended. Claim 19 now recites that “**the apparatus is adapted to reduce** the temperature of the feed-slot jaw below the tackiness temperature of

the endless fiber fleece or fiber mat.” (Emphasis added.) Applicant respectfully submits that as a result of the amendment, claim 19 now clearly imparts an additional recitation not found in the claim from which it depends. In support of this submission, Applicant relies on the last paragraph of MPEP § 2173.05(g), which states that “the Court held that limitations such as ‘members *adapted to* be positioned’ and ‘portions . . . being resiliently dilatable whereby said housing may be slidably positioned’ serve to precisely define present structural attributes of interrelated component parts of the claimed assembly. *In re Venezia*, 530 F.2d 956, 189 USPQ 149 (CCPA 1976).” (Emphasis added) Applicant respectfully requests that the objection to claim 19 be withdrawn.

Claim 23 also is being amended. Claim 23 now recites that the apparatus further comprises “**a heater adapted to heat** the endless fiber fleece or fiber mat running to the plasticizing extruder.” Applicant respectfully requests that the objection to claim 23 be withdrawn for at least the pertinent reasons detailed above with respect to claim 19.

Claim Rejections Under 35 U.S.C. §103(a)

In the Office Action, independent claim 11 and dependent claims 14 and 23 (both of which depend from claim 11) stand rejected under 35 U.S.C. §103(a) as being unpatentable over Therolf (U.S. Patent No. 6,238,733).

In response, Applicant hereby amends claim 11 to recite that “strippers are arranged on at least one of the extruder shafts.” Therolf fails to disclose or suggest such a feature. As is recognized in the Office Action, “the prior art of record fails to teach or suggest any of a) strippers arranged on the feed shaft (or on both shafts)). Applicant submits that strippers are not arranged on any alleged extruder shaft of Therolf. Thus, the third requirement of MPEP § 2143, which is that “the prior art reference (or references when combined) must teach or suggest all the claim limitations,” is not (cannot be) met by Therolf. Reconsideration and allowance of claim 11 and claims 14 and 23 (which depend from claim 11) is respectfully requested.

Obviousness-Type Double Patenting Provisional Rejections

Claims 11, 14-21 and 23 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting in view of co-pending application number 09/997,253 in view of Therolf. In response, Applicant submits a terminal disclaimer along with this letter, and respectfully requests withdrawal of the rejections in view of the terminal disclaimer.

Applicant submits that these claims are now in condition for allowance.

New Claims

As seen above, Applicant has added new claims 24-31. Support for these claims may be found, among other places, in the originally filed claims. These claims have been added to obtain the scope of coverage of the dependent claims that the PTO deems allowable under 35 U.S.C. §§102/103 prior to the above amendment to claim 11.

New claim 24 recites the recitations of claim 15 prior to the above proffered amendments to claim 11 (i.e., as claim 15 was examined in preparation of the issuance of the Office Action). As a result of the submission of the Terminal Disclaimer discussed above, there is no prior art that presents an obstacle to the allowance of this claim. Allowance is respectfully requested.

New claim 25 recites the recitations of claim 16 prior to the above proffered amendments to claim 11 (i.e., as claim 16 was examined in preparation of the issuance of the Office Action). As a result of the submission of the Terminal Disclaimer discussed above, there is no prior art that presents an obstacle to the allowance of this claim. Allowance is respectfully requested.

New claims 26-28 recite the recitations of claims 17-19, respectively, prior to the above proffered amendments to claim 11 (i.e., as claims 17-19 were examined in preparation of the issuance of the Office Action). As a result of the submission of the Terminal Disclaimer discussed above, there is no prior art that presents an obstacle to the allowance of these claims. Allowance is respectfully requested.

New claim 29 recites the recitations of claim 20 prior to the above proffered amendments to claim 11 (i.e., as claim 20 was examined in preparation of the issuance of the

Office Action). As a result of the submission of the Terminal Disclaimer discussed above, there is no prior art that presents an obstacle to the allowance of this claim. Allowance is respectfully requested.

New claims 30-31 recite the recitations of claims 21-22, respectively, prior to the above proffered amendments to claim 11 (i.e., as claims 21 and 22 were examined in preparation of the issuance of the Office Action). As a result of the submission of the Terminal Disclaimer discussed above, there is no prior art that presents an obstacle to the allowance of these claims. Allowance is respectfully requested.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Examiner Del Sole is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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